RIGHT TO STOP SOAP

Magistrate House Says Sedition Can Be Punished as Disorderly Conduct.

PRESENT LAW AMPLE

Judge McIntyre Supports This View in Denying Dunn's Appeal.

Two strong judicial statements came yesterday upholding the right of the police and the magistrates to proceed against soap bix agitators under the law against disorderly conduct. Magistrate Frederick B. House, in an elaborate statement prepared while he was on vacation, reviews in detail the entire issue, and reaches the conclusion that the present laws are ample to prevent soap box sedition.

sosp box sedition.

Judge McIntyre, in Part II., General Seassions, added to the weight of the statement by denying the appeal of Russell Dunn, a soap box speaker who was sentenced to serve thirty days in the workhouse for disorderly conduct in making a speech attacking the loyalty of the Jews.

PRIMARY PLOTTERS

The statement made by Magistrate House was intended to give his fellow magistrates the benefit of his research among the authorities in support of his position. He cites a number of legal precedents, and bases his conclusions on both ancient and modern instances.

Magistrate House's Opinion.

His conclusions, in part, follow:
"Ineofar as the city of New York is concerned, there is ample law in the statutes relating to disorderly conduct to meet the present situation. Whether the punishment prescribed in these stat-

commentators contrast the liberty ss, and condemn as not sanctioned by the constitution of any State, appeals designed to destroy the reputation of the citizen, the peace of society or the

Foment Disturbances.

Therefore, any printed, written or token words which tend to a breach of spoken words which tend to a within the constitutional right of any person. The courts and the police should not shut courts and the police should not shut their eyes to the fact that there are persons in the city, reckless and aggressive ready to act on such words and thereby likely to become disturbers of the pub-

"The highest court in this State has said that a breach of the peace was an offence well known to the common law; hat it was a disturbance of public order hy an act of violence or by any act likely to produce violence, or which, by causing consternation and alarm, dis-turbed the peace and quiet of the community; that it might be committed by written words such as libel, or by spoken words provided they tended to provoke immediate violence, and that the public peace was seriously endangered when arguments were made and advice given which might naturally result even in a

the much abused term free speech.

No new haws are needed, at least as far as the city of New York is concerned.

The disorderly conduct statues, if onforced, are amply sufficient to meet the The hearing will be resumed to-morthesite.

Judge McIntyre's Decision.

Judge McIntyre in the Darr case said:

I'The remarks stated are to my mind highly offensive. The peace of a city may be disturbed by applying that language to a race or creed.

"To call a men a 'dirty Jew' in the presence of others might well lead to a breach of the peace. The act of the defendant was such as to tend to excite violent resentment and create tumultums disturbance.

BOSTON DOCTOR KILLED.

Lieut. G. P. Howe, Harvard Man. Dies in Action in France.

Boston, Oct. 3.—Lieut. G. P. Howe of 154 Beacon street, Boston, member of the Medical Reserve Officers Corps and attached to the British service, has been killed in action, according to messages received here. The tragedy took place September 28 in France.

Lieut. Howe volunteered for service sent abroad. Recent letters home told of his service with an infantry battalion. He was a graduate of Harvard and of Harvard medical school and for two years was surgical house officer at the Boston City Hospital. He had been in-structor in anthropology at Harvard and a member of the Leffingwell Arctic

More than 20,000 freight cars were saved during July on the Pennsylvania lines east of Pittsburg by the cooperation of the shipping public in economical localing, the road reported yesterday.

The means that it took 20,000 fewer at the localing the hormal business than call at the office of the Military Training Camp Association, 19 West Forty-fourth street. Use of 30,000 Preight Cars Saved.

NEW FREIGHT RATE RULING TO BE MADE BOXERS IS OUTLINED Shippers to Be Kept Informed of Pleas for Increases.

pieces and a second for the

Wastington, Oct. 3.—The Interstate Commerce Commission notified the rail-roads of the country to-day that it in-tended hereafter before granting appli-cations for increased rates to place such application before the shippers inter-

The commission's notification was made public in a proposed order, upon which argument will be heard October 15, containing detailed suggestions concerning the method of dealing with applications for increases.

The order will not be made final until after the railroads, shippers and other interested parties will have had an opportunity to state their views to the commission.

der reads, "arranging to mail weekly to accredited representatives of organiza-tions of shippers, chambers of commerce or boards of trade lists of the applica-tions (to increase rates) received, indi-cating those that may have been acted

Heretofore the practice has been in many minor instances for the railroads to file new tariffs containing increases of fates, which become effective upon no

AIDED BY POLICE

Philadelphia Mayor Also Accused of Supporting Strong Arm Methods.

PHILADOLPHIA, Oct. 3.—The alleged the punishment prescribed in these statutes is ample is no concern of the magnetistrates or of the police. It is their business to enforce the law as they find it. If this is done the siftiation can be successfully met and properly handled.

"The law relating to a free press and of free speech does not deprive a State of its primary right of self-oreservation.

"Speaking on the constitutional right of a free press and of free speech, the constitutional right of a free press and of free speech to murder, aggravated as leading case—People vs. Most, 171 New Ydrk, 423—has said that all courts and commentators contrast the liberty of sault and battery and violations of sault and battery and violations of nicious activity of the police, backed by Mayor Thomas B. Smith, in belping sault and battery and violations o

> The tremendous interest aroused b yesterday's sensational testimony im-plicating the Vare brothers, leaders of the faction opposed to United States Senator Boles Penrose and State Senator J. P. MoNichol, continued to-day as wit-ness after witness testified that the police "went the limit" to defeat Jame A. Carey, the leader of the ward.

A. Carey, the leader of the ward.
Witnesses were examined regarding
the silegation that William E. Finley, a
lieutenant of Congressman W. S. Vare
and State Senator E. H. Vare, had arranged the payment of \$1,000 for the expenses of bringing New York gunmen to
Philadelphia.

James I. Clark, an employee of the
OFferrall Detection Agency, who ad-

he protested to Isaac Deutsch, the candidate favored by Mayor Smith, against the use of blackfacks, and that Deutsch replied the New York men could not fight the pick are men from the Tenth Ward with their mouths.

Harry A. McNichol, son of State Sen ator J. P. McNichol, testified he told the

Harry A. McNichol, son of State Senarous seriously endangered when arguments were made and advice given which might naturally result even in a simple breach of the peace.

"While there may be a gap in the law as to the aufficiency of the punishment for illegal public speaking and the gravity of the offence the same can be punished in the city of New York under the disorderly conduct statutes.

What the Test is.

"The test is, Does the matter which is distributed or the words spoken tend to a breach of the peace? If it does then there is no constitutional protection for the act of distribution or speaking, and a person committing either one of these acts in the city of New York may be arrested and prosecuted under the disorderly conduct statutes.

"It is a mitter of law, order and decemp and the peace, gulet and good order of the community, and any person who by word, act or the distribution of privated matted advises the public to obstitute the due execution of the laws, or which causes constrenation and larming and most transfer to another is not within his constitutional rights.

"It is a mitter of law, order and decemp and the peace, gulet and good order of the community, and any person who by word, act or the distribution of privated matted advises the public to obstitute the due execution of the laws, or which causes constremation and larming and prosecuted under the distribution of privated matted advises the public to obstitute the due execution of the laws, or which the due are should be advised by the much abused term free speech.

"All usen persons must be made to understand that there is a law to reach them and that they are not protected by the much abused term free speech.

"No new laws are needed, at least as far, as the city of New York is concerned."

"No new laws are needed, at least as far, as the city of New York is concerned."

"It is a mitter of the matter of the mat

MISSING SCHOONER RETURNS.

Baston, With a Broken Boom. Towed Into Gravesend Bay.

To call a man a 'dirty Jew' in the presence of others might well lead to a breach of the peace. The act of the defendant was such as to tend to excite the disturbance.

"The deductions to be drawn from the language employed by the defendant in his public speeches is that the Jewish race consists of 'slackers,' a word recently coined to designate cowards.

"The deportment of the defendant amounted to disorderly and reprehensible conduct."

Judge McIn(yre also declared that the

Judge McInfyre also declared that the Jews were to be credited with loyalty and not with lack of patriotism.

"Thoursands of Jews have enlisted all ever the country," he said, "and 30 per cent of the men in the draft army from New York city are of the Hebraic race.

for the Interborough Rapid Transit Company, and Lee I, Holdridge, a chemical engineer. The friend who telephoned to Mrs. Roaul said the boom broke shortly after the Baston got outside Sandy Hook, and the return trip could not be made until help arrived.

SAYS AMERICA NEEDS BABIES.

Must Save Every One to Replace War Wastage, Warns Straus. "I have been saying for twenty-five years that every mother needs her baby, Now I must add that America needs every baby."

Nathan Straus, who has done wonder-

Nathan Straus, who has done wonderful work for the conservation of haby life through his pasteurised milk laboratories, prefaces some interesting information which he gave to the public yesterday with this war reference.

"With the flower of our youth volunteering or drawn by conscription," he adds "into battle against a foreign foe. America faces a great wastage of its most important source of strength—its manhood. This makes it more than ever important that every baby shall be given the chance to live and to grow up healthy and strong."

Aviation Corps Calls for Clerks.

tourth street.

EXPULSION ILLEGAL, SAYS PROF. CATTELL

Asserts He Was Ousted From Columbia Without Full Pay.

CALLS T. R. "PUSSYFOOT"

Denies Obstructing Draft, Although He Still Is Opposed to War.

Prof. J. McKeen Cattell, who was disissed by the trustees of Columbia University on Monday from the chair of psychology, which he had held since 1891, made the following statement yes-

maintained for six hundred years to dismiss a university professor on account of his opinions expressed in a proper way to experts in the subject. It is illegal to dismiss a professor in the middle of the academic year on false charges, without payment for the year and with-out the pension which he had earned by

twenty-six years of service.
"I am opposed to war and to this war, but I have undertaken no agitation against the Government nor against its conduct of the war. I have written nothing against the draft law or against sending sending armies to Europe, although I regard both measures as subversive of the national welfare.

T. R. Called "Pussytooter."

"In August, 1914, when President Wilson was telling us to be neutral in thought as well as in deed and Mr. osevelt was "pussyfooting." I wrote in a journal that I edit :

The official German justification of the mad, wanton European war is that it is a defence of the Teutonic culture and people against the semi-Asiatic and barbaric Slav hordes. The ver-dict of history will probably be that it was a war of calculation for caste and national aggrandisement, and a Emperor and his bureaucratic military entourage probably held that the time was ripe for an extension of German influence in the Balkans and toward Asia Minor, with an increase of its African possessions at the expense of African possessions at the expense of the France. But it is by no means clear why, if the serpent was prepared to use its fangs, it did not show its alleged wisdom. • • We may look for a second Napoleon the little rather than for a second Napoleon the great. "In June, 1917, I began a letter to the New York Evening Post with the words An emperor, driven by the militar-istic and capitalistic classes of his people and "by God demented," must accept responsibility for the great

"The letter that I wrote on Augus 23 to members of the Congress, on ac-count of which I have been dismissed from the chair of psychology at Columbia University, asked support for a measure then before the Senate and the House to prohibit sending conscripts to fight Europe against their will."

Objectors Are Upheld.

"There is no law requiring or permitting the President to hend 'conscientious ob-jectors' to fight in Europe. To do this would be contrary to the intent of the Constitution and to the uniform policy of

"God prosper, speed and save; God raise from England's grave Her murdered Queen! Pave with swift victory The steps of Liberty, Whom Britons own to be Immortal Queen!"

RAIDER'S CAPTAIN ACQUITTED.

Thierichnen Not Guilty of Chro-

Pohner, a German American merchant POLITICAL.

Volunteers Wantedfor Mitchel

Volunteer at once. Your

Report immediately to Fusion Committee Headquarters, 244 Madison '38th Avenue (Corner Street) and you will be assigned to service.

> EMORY R. BUCKNER Campaign Manager

IN this country most people spend too much and save

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To be prosperous, we ought to reverse this even in time peace and in time of war it is absolutely vital to do so. We urge you now to adjust pour affairs so that you can subscribe to the new 4% Lib-

erty Loan. Our Investment Departments will be glad to give you facts or to arrange your

becription for you TiTLE GUARANTEE AND TRUST CO

"It is contrary to academic traditions FAT OFFICIALS PUFF AS LIFT MEN STRIKE

Indoor Mountain Climb City Investing Building.

The top of the City Investing Building ooks as if it were a long way up in the air if you are on the street in the vicinity of 165 Broadway. But just wait until you start to the top of the City Investing Building by way of the stairs and you'll think it has no top. At least officials of the Interborough Rapid Transit Company, which has its offices on the fourteenth and fifteenth floors, on the fourteenth and fifteenth floors, got this impression yesterday noon when

the elevator men went on strike.

For an hour almost all the elevators from the ground floor up to the twenty-sixth were stationary. Operators on the cars running up the other five stories remained at work, so if you got to the twenty-sixth turn of the stairs without a stroke or something you could ride. But climbing to the floors below the twenty-sixth was strenuous for the twenty-sixth was strenuous for the thouands of persons who had to make the trip. One of the Interborough offi-cials actually admitted he would rather ide in the subway going north at

The strikers, when told to present heir claims in a reasonable manne get the increase, returned to work.

SEER CAN'T SEE A JAIL DOOR.

Peck Into War Causes Arrest.

Mrs. Maude Leslie paid Mrs. Esther Pollock of 241 Rivington street 15 cents for the information that she was to marry "a dark haired man who would o marry any dark haired man and be me a war bride, and her sole mission the shrine of Fate was to get evidence Squad No. 2 of the detective force. n which Mrs. Leslie is a sergeant. So when Mrs. Leslie told Magistrate Comig all about her anticipated future, with its martial trimmings, in Pasex Market court yesterday, the Magistrate held the fortune teller until Saturday.

ng secrets at 15 cents a throw Q. M. Corps Calls for Men. The Quartermaster Corps of the Na tional Army sent out a call yesterday for 500 enlistments for the corps, inluding plumbers, stationary engineers, carpenters, road builders, electricians, oilers, laborers and firemen. Men who are familiar with sewage and waste disposal plants are also wanted. Applica-tion may be made at the recruiting sta-

tion at 357 Broadway.

when she will be sentenced for dispen-

THE NEW LIBERTY BONDS | HEFLIN ACCUSATION REFUTED BY MASON

tive Tells of Loyalty in Sending Son to War.

Special Despatch to THE SUN. WASHINGTON, Oct. 3 .- Representative William Mason of Illinois, inferentially accused of disjoyalty by Representative Heflin (Ala.), took the floor on a question of high personal privilege to-day

next twenty-four hours. "The only son I have at home wired

ne asking me as to his duty," he said. 'If I had been pro-German, if I had

have been different. But before the sun had set on the day war was declared my son had the permission and the blessing and consent of his mother and father to enlist in the American Army.

"You talk of sacrifice," he continued: "that boy was the only one left at home—it took more sacrifice and more particular took more sacrification. The House applicated this vigorously.

The House applicated this vigorously.

The House applauded this vigorously.

When Mr. Mason finished Mr. Heffin
tried to get the floor. He said he was
now ready to name the "thirteen or fourwhose actions had not been in accord with his ideas of loyalty. The House refused to let him talk any more. Representative Garner (Tex.), a Democrat, prevented Heffin from airing any more of his charges and stirring up the mail to further.

NO LA FOLLETTE PROBE.

Concrete Charges. Special Despatch to Tue Sun.

Washington, Oct. 3 .- There will be o investigation of the charges of anti-Americanism now being hurled from various corners of the United States against Senator La Follette (Wis.). This is the opinion of the Senate, broadly speaking, and of more than 90 per cent. of its individual membership.

ENGLAND GETS GUM HABIT.

British Plan to Take Trade Away Prom United States.

Special Cable Despatch to THE SUS LONDON, Oct. 3 -England's commer-ial awakening, as evidenced by the fornation of the British Empire Producers Association, may threaten a great indus-try hitherto confined to the United States. The Evening Globe points out that the gum chewing habit which has spread to Canada during the last few years now has gained a firm foothold in London, and the paper says the British probably are planning to make their own

British Honduras, but this main conetituent of chewing gum hitherto has been experted almost entirely to the United States. The suggestion is made that there is a big opening for British industry and that there is no reason why the raw material should not be imported and this country reap the benefits of the industry now sending \$1,000,000 annually out of the country

PUFF ARMAGEDDON

House Weeps as Representa- Friend of Suffering Humanity Protests Sending Tobacco to Soldiers.

that the noise made by Dr. Charles G. that Miss Hazelton then and there that Miss Hazelton then and there initials meaning Friend of Suffering Humanity, and Inventor and Sole Proprie
"There is no need of smoking to neuand completely refuted the suspicions cast on his loyalty. Mr. Mason also considerably helped his own cause in the House.

Representative Mason said he had voted against war because he was opposed to it. Then he brought tears to the eyes of some of the older men in the Trade by the good Dr. Pease in trying the last time, once figured out that the noise the last time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise to do with his time, once figured out that the noise.

There is no need of smoking to neutralize the unpleasant hospital smells."

The last time Dr. Pease was interviewed a reporter brought up the matter of the provided in the dissecting room. The last time Dr. Pease was interviewed a reporter brought up the matter of Miss Annette Hazelton smoking to neutralize the unpleasant hospital smells."

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The last time Dr. Pease was interviewed a reporter brought up the matter of Miss Annette Hazelton smoking a provided in the dissecting room. The last time Dr. Pease was interviewed a reporter brought up the matter of Miss Annette Hazelton smoking a provided in the dissecting room. the eyes of some of the older men in the House on both sides by describing what to steer suffering humanity away from the happened in his own family within the

This bit of statistical information is mentioned because the Good Doctor Pease has just added another shrick to "If I had been pro-German, if I had been guilty of treason, if I had not been guilty of treason, if I had not been willing to surrender my individual opinion to the majority, the result would have been different. But before the sun had set on the day war was declared my committee, which will hold a bazaar in the day war was declared my

be along a little later—in this letter the Good Doctor pleaded that an absolute kibosh be put on any and all schemes to send tobacco to the American soldiers and Red Cross nurses at the front. Saint the Good Doctor-or was it Miss Hazel protest against supplying tobacco to

It would appear from that paragraph that even if Miss Hazelton didn't write that even it Miss Hazelton didn't write the letter she at least knew the Good Doctor was going to send it, because he says "we desire to protest." Since the Good Doctor is not plural it is self-evi-dent that "we" must mean the Good Doctor Pease and Miss Annette Hazel-ton. It can, therefore, he set down as a fact, not susceptible to contradiction. a fact, not susceptible to contradiction that both the Good Doctor Pease and the charming Miss Annette Hazelton do not approve of sending tobacco to sol-diers and Red Cross nurses.

Annette Now Smoking a Pipet That "we" in itself, too, ought to be nough to disprove the horrid rumor hat recently flashed along Park Row to the effect that Miss Annette Hazelton had gone absolutely to the demnition between and had taken to smoking a pipe in the privacy of her bouder. In-deed, it hasn't been more than six months since the Good Doctor Pease himself told a reporter that so far as he knew there was no truth at all in the rumor that Miss Hazelton was now

smoking a pipe. Dr. Pease's letter also Says:
"Supplying this poison to our soldiers is beyond understanding except on the basis of general degeneracy which has brought upon the race the punishment of slaughtering itself."

The remarkable thing about the rumor that Miss area.

that Miss Annette Hazelton now smokes a pine is the fact that a perfectly re-spectable gentleman who always gets home just fifteen minutes after 1 octock -he lives just fifteen minutes from Times Square—said he actually saw Miss Hazelton sitting on a street car swoking a pipe, and that furthermore she smanned the conductor in the jaw when he said she wasn't sitting in

SEEN BY DOC PEASE

stibly be mistaken at 4 o'clock in the morning, because he had often seen Miss Hazelton and the Good Doctor TO BAIL I. W. W. QUEE together, depositing together two letters demouncing nicotine and all its works.

Tigh class nurses would never attend the stip residence with tobacco.

tend the sick reeking with tobacco," says the letter of the Good Doctor In addition to the testimony of the respectable gentleman previously men-tioned, who saw Miss Annette Hazelton Somebod) who was sick in a hospital or some place and wasn't permitted to use his brain once figured out tin of the makin's and a briar pipe, and

nor did he know anything about rumor that Miss Hazelton was goin

Have Smoked." Still, it is undoubtedly true that the rumor previously mentioned, to the effect that Miss Annette Hazelton now smokes a pipe, has gained considerable circulation, and everybody is waiting for her to either affirm it or deny it. Is Miss Hazelton in the audience

write a series of articles on "Pipes I

NEW YORKER IN TRAIN WRECK

Harry Barnett One of Six Hurt When Cars Jump Track.

Tolebo Oct. 3.—Six persons were injured, none fatally, when Wabash passenger train No. 58, bound from Fort Wayne to Toledo, plunged into a ten Wayne to Tolede, plunged into a tenfoot ditch near here to-night. The wreck
was caused by a broken rail.

The injured are: Judge Samuel L.
Black, Columbus, cut by flying glass;
H. H. Hunt, Columbus, cut by glass;
Harry Barnett, New York, back injured; William Keeran, Fort Wayne,
collar bone broken; H. W. Martin, baggageman, arms injured; Isadore Cohen,
Toledo, cut on head.

TO BAIL I. W. W. OUEEN Miss Flynn Holds Kissing Bee

After spending three nights in the Tombs Elizabeth Gurley Flynn, queen of the Industrial Workers of the World. was yesterday released on ball. A case smoking a pipe on a street car at 1 was yesterday released on ball. A case o'clock in the morning, there is the deposit of \$10,000 was given to secure testimony of a cigar salesman in Times | her appearance on Monday, when with three other radical leaders she must far proceedings to extradite her to a Mrs. Sara Bard Field, the suffragist who balled Arturo Glovannitil, the poswent to Miss Flynn's assistance with \$8,000 cash, and another \$2,000 was de-posited by a Miss Mabel Segrave. There

was a suspicion, however, that Miss Segrave was acting for another person. Carlo Tresca, the Italian snarchist t waiting vainty for Amos Pinchot to fur-nish the \$10,000 needed for his release Mr. Pinchot has shown no desire to set Mr. Pinchot has shown no desire to am the editor. With Glovanni Baldars, whose Teutonic features do not harmonize with his Latin name, he remains to the Tombs.

The four radicals were before Com missioner Hitchcock yesterday for a bearing, but the Chicago indictment has not yet arrived. They had a kinsing he any way. Miss Flynn was kinsed by a dozen of her admirers. She kinsed the swarthy Tresca. Glovannitti kissed a fellow Red, and Baldazzi in the excita-ment almost kissed Harold A. Content, Assistant United States Attorney,

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CAR-BUYING TALKS

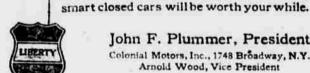
THAT," said the man who knows cars, "is technically the nost correct brougham type which has ever been motor

He was referring, of course, to the Liberty Brougham. You have probably seen them on the avenue, and admired their compact grace, and the low lines which are possible on none but the Liberty

demand grace and comfort, with the wheelbase best adapted to city traffic. Beyond a doubt your inspection of these

seasonable interest to car owners who

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